

### **REMARKS**

The Office Action dated September 19, 2006 has been received and carefully noted. The above amendments to the specification and claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 25, 34 and 37-48 have been amended to more particularly point out and distinctly claim the subject matter which is the invention. Claims 49 have been added. No new matter has been added. Claims 25-49 are submitted for reconsideration.

The specification was objected to because the Abstract does not commence on a separate sheet. The specification has been amended to include the Abstract on a separate sheet after the claims section. Therefore, Applicants request that the objection be withdrawn.

Claims 25-48 were rejected under 35 U.S.C. 101 on the grounds that the claimed invention is directed to non-statutory subject matter. The Office Action has taken the position that the method steps in claims 25-48 is not limited to practical application, and when viewed as a whole, the method does not impart any practical application to the received signal in the telecommunications system. The rejection of the claims under 35 U.S.C. 101 is traversed for the following reasons.

MPEP 2107 states that for a claim to be considered useful, the utility of the invention has to be specific, substantial and credible. This section of the MPEP states if an applicant has asserted that the claimed invention is useful for any particular practical purpose, i.e., it has a “specific and substantial utility” and if the assertion would be

considered credible by a person of ordinary skill in the art, then the invention meets the utility requirement under 35 U.S.C. 101. Claims 25 and 37 performs a beneficial function, i.e., processing a signal, and as such, inherently has utility under U.S. law. (*See*, *E.I. DuPont v. Berkley & Co.*, 205 USPQ 1, 10 (8<sup>th</sup> Cir. 1980).) Additionally, when a claimed invention meets at least one stated objective, such as the objective noted in paragraph [0006] of the specification, then U.S. law states that utility under §101 is clearly shown. (*See*, *Carl Zeiss Stiftung v. Renishaw*, 20 USPQ2d 1094, 1100 (Fed. Cir. 1991).)

During processing of a signal in a telecommunications system, claims 25 and 37, in part, recites forming an accepted absolute value set and a corresponding sample set by deleting the greatest element from the reference set when the predetermined ending condition is fulfilled. Therefore, Applicants submit that claims 25-49 do impart a practical application to the received signal in the telecommunication system. Based on the arguments above, Applicants request that this rejection be withdrawn.

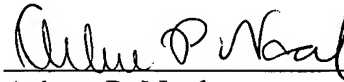
As noted previously, claims 25-49 recite subject matter which is neither disclosed nor suggested in the prior art references cited in the Office Action. It is therefore respectfully requested that all of claims 25-49 be allowed and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Petition for Extension of Time  
Additional Claim Fee Transmittal  
Check No. 15999